

# Order

**Michigan Supreme Court  
Lansing, Michigan**

February 4, 2015

Robert P. Young, Jr.,  
Chief Justice

ADM File No. 2014-02

Stephen J. Markman

Mary Beth Kelly

Brian K. Zahra

Proposed Amendment of  
Rule 6.106 of the Michigan  
Court Rules

Bridget M. McCormack

David F. Viviano

Richard H. Bernstein,  
Justices

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On order of the Court, this is to advise that the Court is considering an amendment of Rule 6.106 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter also will be considered at a public hearing. The notices and agendas for public hearings are posted at [Administrative Matters & Court Rules page](#).

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions to the text are indicated in underlining and deleted text is shown by strikeover.]

## Rule 6.106 Pretrial Release

(A) In General. At the defendant's ~~first appearance before a court~~ arraignment on the complaint and warrant, unless an order in accordance with this rule was issued beforehand, the court must order that, pending trial, the defendant be

- (1) held in custody as provided in subrule (B);
- (2) released on personal recognizance or an unsecured appearance bond; or
- (3) released conditionally, with or without money bail (ten percent, cash or surety).

(B)-(I)[Unchanged.]

*Staff Comment:* The proposed amendment of MCR 6.106(A) would clarify that a court would determine issues concerning defendant's pretrial release, if any, at the time of defendant's arraignment on the complaint and warrant.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on the proposal may be sent to the Office of Administrative Counsel in writing or electronically by June 1, 2015, at P.O. Box 30052, Lansing, MI 48909, or [ADMcomment@courts.mi.gov](mailto:ADMcomment@courts.mi.gov). When filing a comment, please refer to ADM File No. 2014-02. Your comments and the comments of others will be posted under the chapter affected by this proposal at [Proposed & Recently Adopted Orders on Admin Matters page](#).



I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

February 4, 2015

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk